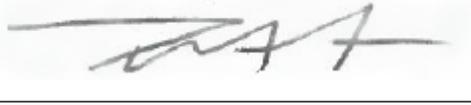


POLICY TITLE: DNA SAMPLE COLLECTION		PAGE 1 OF 4
POLICY NUMBER: 6.9		
CHAPTER 6: VICTIM SERVICES		
	STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VII
EFFECTIVE DATE: March 25, 2004	LATEST REVISION: October 22, 2019	CHECK ONLY IF APA []

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 25 M.R.S.A. Sections 1572, 1574, and 1575 and 34-A M.R.S.A. Section 9887-B.

II. APPLICABILITY

All Adult and Juvenile Correctional Facilities
Adult and Juvenile Community Corrections

III. POLICY

It is the policy of the Department of Corrections to collect biological samples from prisoners, juvenile residents, and persons under supervision in the community convicted or adjudicated of applicable offenses for submission to the Department of Public Safety for DNA analysis.

IV. DEFINITONS

None

IV. CONTENTS

- Procedure A: Identification of Persons Required to Submit to DNA Sample Collection
- Procedure B: Time Frames for DNA Sample Collection
- Procedure C: DNA Sample Collection Procedure

V. ATTACHMENTS

[Attachment A: DNA Sample Collection Applicable Offense List](#)

VI. PROCEDURES

Procedure A: Identification of Persons Required to Submit to DNA Sample Collection

1. Each reception facility Chief Administrative Officer, or designee, shall ensure that intake practices are in place to identify all prisoners or residents required to submit to the collection of a DNA sample pursuant to Title 25 M.R.S.A. Section 1574. Such practices shall include, at a minimum, examination of judgment and commitment papers to determine whether the offense for which the person has been convicted or adjudicated is one requiring that a DNA sample be taken, to include an attempt or "lesser included offense," if applicable (See Attachment A).
2. Each Regional Correctional Administrator, or designee, shall ensure that intake practices are in place to identify all persons under supervision in the community required to submit to the collection of a DNA sample pursuant to Title 25 M.R.S.A. Section 1574. Such practices shall include, at a minimum, examination of judgment and commitment papers to determine whether the offense for which the person has been convicted or adjudicated is one requiring that a DNA sample be taken, to include an attempt or "lesser included offense," if applicable (See Attachment A).
3. If there is an issue regarding the propriety of DNA sample collection, the Department's legal representative shall be contacted for instructions.
4. Each Regional Correctional Administrator, or designee, shall ensure that intake practices are in place to identify all persons from out of state accepted for supervision in the community under the interstate compact required to submit to the collection of a DNA sample pursuant to Title 34-A, M.R.S.A. Section 9887-B (See Attachment A). Such practices shall include, at a minimum, examination of judgment and commitment or equivalent papers from the other jurisdiction for a determination as to whether the offense for which the person has been convicted is a felony in that jurisdiction, i.e., is punishable by imprisonment for one year or more, regardless of whether the person was or was not actually sentenced to such imprisonment. If there is uncertainty as to whether the person is required to submit to the collection of a DNA sample, the Department's legal representative shall be contacted for instructions.
5. As part of the process of identification of persons required to submit to DNA sample collection, a check shall be made of Departmental records to determine whether the person had a DNA sample taken previously in Maine. Unless specifically requested by the Department of Public Safety, no person who has previously submitted to DNA sample collection in Maine shall be required to do so again.

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6. If a person has been identified as required to submit to the collection of a DNA sample, that shall be noted in the Correctional Information System (CORIS).

Procedure B: Time Frames for DNA Sample Collection

1. A prisoner or resident required to submit to DNA sample collection shall have a DNA sample collected within ten (10) days of intake to the reception facility or, if that time frame has already passed, within ten (10) days of confirming the need for DNA sample collection.
2. A person under supervision in the community required to submit to DNA sample collection shall have a DNA sample collected within ten (10) days of commencement of the period of supervision or, if that time frame has already passed, within ten (10) days of confirming the need for DNA sample collection.
3. An adult from out of state accepted for supervision in the community under the interstate compact required to submit to DNA sample collection shall have a DNA sample collected within ten (10) days of arrival in Maine or, if that time frame has already passed, within ten (10) days of confirming the need for DNA sample collection.

Procedure C: DNA Sample Collection Procedure

1. If the Department of Public Safety requests that a DNA blood sample be collected from an individual in the custody or under the supervision of the Department, the facility Chief Administrative Officer, or designee, or the Regional Correctional Administrator, or designee, as applicable, shall ensure that appropriate arrangements are made for the sample to be collected by the person contracted by DPS to collect the sample.
2. In all other cases, a saliva sample shall be taken.
3. The Commissioner has designated the following staff who are permitted to collect DNA saliva samples after the staff have been trained in DNA saliva sample collection:
 - a. probation officers;
 - b. probation officer assistants;
 - c. juvenile community corrections officers;
 - d. Regional Correctional Administrators;
 - e. Regional Correctional Managers;
 - f. facility security staff; and
 - g. facility intake staff.

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4. The staff collecting the sample shall use only the appropriate biological sample collection kit provided by the Department of Public Safety. The staff collecting the sample shall follow the instructions that are provided with the kit.
5. Prior to collecting the sample, the staff who is to collect the sample shall complete the DNA Database Collection Card, including by taking the required fingerprints. The chain of custody portion of the card shall not be completed.
6. The staff who collects the sample shall also place the sample in the envelope provided with the kit and seal the envelope. The entire collection process, from completing the DNA Database Collection Card to sealing the envelope, shall be completed for one (1) person prior to being started for another person.
7. The collected biological sample shall be mailed to the Maine State Police Crime Laboratory on the day of collection. Prior to the actual mailing, the sample must be stored in a secure location at room temperature.
8. The fact that the sample has been collected and the date of collection shall be noted in CORIS by the staff collecting the sample.
9. The Department's copy of the "Subject Information" section of the DNA Database Collection Card shall be filed in the prisoner's Administrative Record, resident's Master Administrative Record, or the community corrections client's file, whichever is applicable.
10. If the person refuses to submit to the collection of a DNA sample, the Department's legal representative shall be contacted for instructions.

VII. PROFESSIONAL STANDARDS

None

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